

Remarks

Upon entry of this amendment, claims 1-7, 9-11, 13, 21 and 25-26 will be pending in the instant application. Applicant canceled claims 22-24 and 27 without prejudice to the subject matter contained therein. Claims 1, 2 and 25 have been amended to clarify the invention.

Claim Rejections – 35 USC §112

Rejection of claims 22-25

Claims 22-25 stand rejected under 35 U.S.C. 112 first paragraph, for allegedly lacking enablement. Applicant notes that this rejection is moot with regard to cancelled claims 22-24.

Applicant respectfully traverses. The instantly claimed compounds bind to PPAR, in particular PPAR α , as described in the specification, at least, on page 38, line 27. Claim 25, as amended, is directed toward the treatment of dyslipidemia, hyperlipidemia, hypercholesteremia, hypertriglyceridemia or type-2 diabetes, comprising, administering to a mammal in need thereof a therapeutically effective amount of a compound of claim 1.

Applicant respectfully submits that an ordinary person of skill in the art would know that compounds having affinity for PPAR α are useful for the treatment of diabetic and lipodemic disorders. Applicant directs the Examiner's attention to the mouse model on page 40, line 26 through page 41, line 7, of the specification as originally filed. The mouse model demonstrates that the instantly claimed compounds are useful in lowering glucose and insulin levels.

As such, one of ordinary skill in the art in possession of the specification would be able to practice the invention as currently claimed. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection of claim 25 under 35 U.S.C. 112 first paragraph.

Rejection of claims 24 and 27

Claims 24 and 27 stand rejected under 35 U.S.C. 112 first paragraph, for allegedly lacking enablement. Applicant notes that this rejection is moot in view of the cancellation of these claims.

Conclusion

Applicants have addressed each and every issue set forth by the Examiner. Applicants respectfully submit that the present application is condition for allowance.

If the Examiner believes for any reason that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (617) 871-4125.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 50-4409 for any additional fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly extension of time fees.

Respectfully submitted,



Mark W. Milstead
Attorney for Applicant
Reg. No. 45,825

Novartis Institutes for Biomedical Research
NIBR Patents
400 Technology Square
Cambridge, MA 02139
(617) 871-4125

Date: June 3, 2005